

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-006143

05/19/2003

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT
E. Morgenstern/C. Smith
Deputy

FILED: 05/23/2003

STATE OF ARIZONA

MARIA Y ARMIJO
JEANNETTE GALLAGHER

v.

TONATIHU AGUILAR

ROBERT L STORRS
BRUCE E BLUMBERG

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
AGGRAVATION/PENALTY PHASE
DAY 2

State's Attorney:	above-named counsel
Defendant's Attorney:	above-named counsel
Defendant:	Not Present
Court Reporter:	Melody O'Donnell

Prior to trial, State's Exhibit Nos. 4 through 9 are marked for identification.

10:43 a.m. IN CHAMBERS. Counsel are present.

The court has received a letter from one of the alternate jurors, #13, requesting to be relieved from any further service because of personal reasons.

Court and counsel confer.

IT IS ORDERED granting the request. Juror No. 13 will be excused from any further responsibility in this case.

FILED: Letter from Juror #13

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Officer Erby, (SRT) unit appears by telephone and advises the court that defendant has again refused to appear.

Court and counsel confer.

The court's prior ruling regarding defendant's voluntary absence from the proceedings stands. This matter will continue without defendant's presence.

10:49 a.m. Matter concludes.

10:51 a.m. Trial to Jury continues from May 15, 2003.

The jury is present.

Preliminary instructions for this phase of the proceedings are read.

FILED: Preliminary jury instructions

Defendant makes an opening statement.

State makes its opening statement.

Defendant's case.

Alan Hubbard is sworn and testifies.

State's Exhibit No. 9 is admitted into evidence.

Witness is excused.

11:56 a.m. Court stands at recess.

State's Exhibit No. 10 is marked for identification.

1:39 p.m. Court reconvenes with respective counsel present. The Defendant is not present.

The jury is present.

Court Reporter, Melody O'Donnell, is present.

Defendant's Exhibits 11 – 17 are marked for identification.

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Jose Acosta is sworn and testifies.

Defendant's Exhibit 12 is offered and admitted in evidence.

Defendant's Exhibit 11 is offered and admitted in evidence.

The Court receives written questions from the jury, and answers are provided through further testimony of the witness.

FILED: Juror Questions (2).

The witness is excused.

Lisa Christianson is sworn and testifies.

3:04 p.m. Court stands at recess.

Defendant's Exhibits 18 – 30 are marked for identification.

State's Exhibit 31 is marked for identification.

3:38 p.m. Court reconvenes with respective counsel present. The Defendant is not present.

The jury is present.

Court Reporter, Melody O'Donnell is present.

Lisa Christianson retakes the stand and testifies further.

Defendant's Exhibits 26 and 27 are offered and admitted in evidence.

Defendant's Exhibit 25 is offered and admitted in evidence.

Defendant's Exhibit 32 is marked for identification.

Defendant's Exhibits 13, 14, 15, 16, 17, and 18 are offered and admitted in evidence.

Defendant's Exhibit 19 is offered and admitted in evidence.

Defendant's Exhibit 33 is marked for identification.

The jury is instructed to return at 10:00 a.m. on 05/20/2003.

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4:20 p.m. Court stands at recess.